

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLES GEIGER,

Plaintiff,

v.

Case No. 14-12368

CITY OF PONTIAC, et al.,

Defendants.

ORDER OF DISMISSAL

On October 16, 2013, Plaintiff Charles Geiger sued Defendants City of Pontiac and Able Demolition, Inc. (Able), in Oakland County Circuit Court seeking damages resulting from the wrongful demolition of his rental home. Thereafter, on June 17, 2014, Defendants removed the case to this court. On July 23, 2014, the court granted in part and denied in part Plaintiff's motion to remand his state law claims and stay the action. The court remanded Plaintiff's state law claims for trespass of real property (count I) and negligence (count II) to the Oakland County Circuit Court. Further, instead of staying the action, the court ordered Plaintiff to show cause, in writing, by July 30, 2014, why his remaining federal claim for "violation of Plaintiff's rights under the U.S. Constitution and 42 U.S.C. § 1983," (count III) should not be dismissed for failure to state a claim upon which relief can be granted. With respect to this notice of intended dismissal, the court also stated that, "Plaintiff may, however, wish to economize on legal fees and remain silent. If he does so, the court will interpret his silence as an affirmative indication that Plaintiff has no colorable response to present, and dismiss count III." (Dkt. # 16, Pg. ID 378.) Plaintiff has remained silent. Accordingly,

IT IS ORDERED that Plaintiff's remaining federal claim (count III) is DISMISSED for failure to state a claim upon which relief can be granted.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 31, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522